

**MINUTES OF THE GOVERNING BOARD MEETING
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm beach, Florida
Wednesday, April 14, 2004
8:30 a.m.**

Governing Board Members

Nicolas Gutiérrez, Jr., Chairman
Irela M. Bagué
Hugh English
Kevin McCarty
Trudi Williams

Pamela Brooks-Thomas, Vice Chair
Michael Collins
Lennart Lindahl
Harkley Thornton

SFWMD – Henry Dean, Executive Director

Assistant Executive Director – Carol Wehle; Deputy Executive Directors – Chip Merriam, Pamela Mac’Kie, Alvin Jackson, George Horne, and Tom Olliff.

1. Call to Order – Mr. Nicolas Gutiérrez, Chair, Governing Board. The Strategic Planning Meeting was called to order at 8:40 a.m. The meeting was web cast.

2. Swearing in of re-appointed Governing Board Members – Garrett Wallace, Director, Office of Board and Executive Services. Mr. Wallace swore in Nicolás J. Gutiérrez, Jr. and Harkley R. Thornton as Governing Board members and they will serve four-year terms effective March 2004 to February 2008.

3. Update on District Strategic Plan – Stan Ford, Agency Strategic Planning Manager, Strategic Planning and Program Evaluation.

Opening remarks and welcome by Henry Dean. Members of the Budget Commission are in attendance to follow the information on the budget. He provided information on budget process and what information would be covered today. The ten top programs requested by the Governing Board and the Governor are legislatively driven and will be reviewed by the appropriate department directors of SFWMD. The Strategic Plan is the result of extensive input and discussions among Governing Board members, executive management and District program coordinators. When finalized in May, the document will serve as the basis for our annual work plan and budget development process. This streamlined approach will help us keep our focus on the job at hand – managing South Florida’s water and land resources for the benefit of the environment and for the public we are honored to serve.

Carol Wehle thanked staff who have worked and collaborated to achieve the proposed budget. The District is a Strategic Planning and Budget Cycle and it will continue for up to ten years. This circle of planning consists of a Strategic Plan, Annual Work Plans, Annual Budget, and Reporting & Evaluation. The ten programs and the Governing Board priorities were outlined.

Coastal Watershed Program by Deborah Drum, Program Coordinator.

Projects through partnerships and to achieve the goals the program will restore watersheds and estuaries through local initiatives; understand restoration effects through high quality applied science; decrease flood damages through proactive flood management planning.

The upcoming milestones for the program were explained and include the Loxahatchee River & Estuary; Florida Bay & Florida Keys; Naples Bay; Flood Management Planning; Biscayne Bay and Estero Bay.

Mr. English spoke on water retention and storage, development in agricultural areas, and the need for outreach efforts and said he did not see information on these in the budget. He requested that on agenda items, the prioritization plan needs to be in the agenda item. This would allow the Board members to fully understand what all is included in each agenda item.

Mr. Collins spoke on information regarding local governmental agencies that needs to be assimilated. Local governments need to be apprised of what the District is doing in their locations that affect the public. This will answer the public's questions. This Strategic Plan is excellent in several areas and the commitment to deliver projects in a timely manner is very good.

Mr. Dean and Ms. Wehle provided information on staff's plan to meet with local governments on projects. Ms. Wehle said meetings with local government officials are being scheduled to show them the District's Strategic Plan. Quarterly reports will be provided to the Governing Board regarding what is projected to be accomplished and what steps have been taken to accomplish the goals.

Ms. Williams asked about water reservations and Mr. Ammon provided information.

Mr. Lindahl spoke about the restoration plan and the water reservations. The success indicators on deliverables and milestones involve a composition of the whole District. Everything is all connected and a total program for the whole District should be looked at closer. Ms. Wehle provided additional information.

Mr. Collins agreed with Mr. Lindahl that plans are "District-wide" and what is happening affects the projects that are scheduled throughout the District. Coastal watersheds are the repository of every decision, and the plans should be left as they are.

Mr. Lindahl said cross-referencing would be good to be added to the Strategic Plan and Ms. Wehle will communicate that message.

Mr. English spoke on "Public/Private Partnerships" and he would like the District to establish ways to best implement partnerships.

Ms. Brooks-Thomas expressed the same concern on establishing good partnerships with local governments and members of the public.

Comprehensive Everglades Restoration Plan Program, by Ken Ammon, Program Coordinator.

The Comprehensive Everglades Restoration Program (CERP) is the world's largest ecosystem restoration program and is estimated to cost \$7.8 billion. The State of Florida approved funding in the Everglades Restoration Investment Act of 2000. Currently, over 20 project implementation reports (PIRs) are under way and 80% of required real estate has been purchased for the ten initially authorized projects.

Mr. Ammon outlined the goals and strategies. The Governing Board's Strategic Priority is to implement three CERP components as public/private partnerships (C-43, C-44, & EAA Reservoirs) by 2006.

Information on FY 2005 and FY 2006 key deliverables/milestones was provided. This is a very ambitious schedule.

Mr. English asked for a map showing all the public lands so the Board will know exactly what they are dealing with. Public land will be impacted by the restoration efforts. Mr. Ammon said that "regional" maps will be provided in the future.

Ms. Bagué asked for more information on land acquisition costs and Mr. Ammon provided information.

Mr. Collins said construction costs may not rise as fast as property costs, and a long term cost benefit analysis needs to be done. Mr. Ammon and Ms. Wehle provided additional information. These are the "safe projects" that need to be completed, and in the future cost benefit analysis on projects will be provided.

Ms. Bagué asked for a new map to show projects that are approved and ready to go, and show projects that are expected to forthcoming in the future.

Mr. English asked that a "value analysis" be provided. Ms. Wehle promised a briefing will be forthcoming for Board members.

District Everglades Program, by Jack Maloy, Program Coordinator.

Mr. Maloy's presentation detailed information on water quality. This program is to implement the Everglades Forever Act (EFA) and Settlement Agreement. The goals of the program are to contribute to the restoration of the Everglades by restoring water quality, restoring hydrology, and improving planning and operational decisions using applied science. The refinement to the current system is significant. The presentation outlined the strategies to accomplish the goals of the program. A work plan will be provided in the next month.

A strategic priority on the Long-Term Plan was reviewed as well as the key deliverables/milestones.

Mr. English addressed phosphorus loads and the development of technology to do this and he does not see that the District is doing this. Mr. Maloy said this is a challenge and the District is continuing to do research. Mr. Dean said the District is looking upstream for source control and STA optimization. The District does need to improve their efforts in source control as this is the most effective way to control phosphorus loads. Mr. English spoke of EAA and the relocation/movement of landowners. He asked if there was a study that showed information to reduce phosphorus loads. If such a study could be located, then SFWMD researchers need to look into that. Mr. Collins addressed the subject of BMPs and the current agreements with landowners. Mr. English asked staff to look at the three goals for reducing phosphorus loads. Mr. Dean is currently meeting with a company that is proposing a private partnership to try to alleviate some of the problems.

Kissimmee Restoration Program, by Ruth Clements, Program Coordinator.

This project is to restore the Kissimmee River and its flood plains by acquiring 105,000 acres of land for restoration; reestablishing river sections; modifying structures (removal and replacement); restoring headwaters in basins north of the Kissimmee Chain of Lakes; and minimize downstream impacts. The goal is to restore the ecological integrity of the river floodplain and its tributary basins. The strategies to reach the goals were outlined. The Governing Board Strategic Priority is to acquire all lands, easements and rights of ways needed for restoration. The key deliverables/milestones were provided.

Mr. Thornton spoke on “minimizing downstream impacts” and he asked that be changed to read in the Plan “balancing downstream impacts”.

Mr. Lindahl asked if a U. S. Army Corps “check-off” will done on the Strategic Plan and Ms. Wehle said that will be done before May 2004 and she will provide feedback on the Corps’ reaction.

Lake Okeechobee Program, by Susan Gray, Program Coordinator.

The Lake Okeechobee program is focused on the development and implementation of management efforts to improve the Lake. The goal is to improve the health of the ecosystem by improving water quality; reducing exotic species; and better managing Lake levels. The current strategies were highlighted, and she emphasized that there are other programs going on with other agencies. Dr. Gray provided information on the different programs the District is working on to improve the quality of water in Lake Okeechobee.

The Governing Board strategic priority to implement Lake Okeechobee Protection Plan was shown on a graphic that shows the anticipated phosphorus load reductions. The key deliverables and milestones were presented.

Land Stewardship Program, by Pamela Mac’Kie, Program Coordinator.

Ms. Mac’Kie presented information on the purpose of the program - to manage the District’s

natural areas, protect lands and mitigation banks. There is no *Land Acquisition Program* because the District does not buy land except to support other programs. The goals and strategies were outlined. Very specific deliverables and milestones were listed.

Ms. Williams asked for further information on the treatment of exotics and working with the Federal partners. An update will be provided this afternoon and within the next month further information will be available. Chairman Gutiérrez and Mr. Collins provided additional information.

Operations and Maintenance Program, by John Adams, Program Coordinator.

The program consists of activities related to the efficient operation and maintenance of 500 water control structures; 50 pump stations; approximately 2,662 miles of canals and levees; and other works authorized by Florida Statutes and the U. S. Army Corps of Engineers. The goals were outlined, and include optimally operating and maintaining the primary flood control and water supply system.

The Governing Board strategic priority concerning capital projects infrastructure backlog was reviewed. The key deliverables/milestones were provided.

Mr. Lindahl asked if this is consistent with the 50 year plan presented earlier, and Mr. Adams said this is the first 10 years of that process.

Regulation, by Terrie Bates, Program Coordinator.

This program will implement the District's statutory and delegated authority for environmental resource permits; water use permits; well construction permits; and sovereign submerged lands. The goals and strategies were outlined.

Information on the increase in applications for Environmental Resource Permits and Water Use Permits from 1996 through 2005 was provided.

Mr. Collins asked for further information on a key deliverable regarding partial Environmental Resource Permit (ERP) delegations in Miami-Dade and Collier Counties and assurance that they are complying with the regulations, permits and Board direction. Ms. Bates provided an answer.

Ms. Bagué spoke of having Service Center staff to oversee permitting carried out by Miami-Dade County.

Ms. Wehle said a presentation will be brought to the Board next month regarding "on-line permitting".

Water Supply Program, by John Mulliken, Program Coordinator.

The four planning regions are the Lower East Coast; Lower West Coast; Upper East Coast;

and the Kissimmee Region. The program is to develop and implement 20 year plans to address existing and future water supply needs of the environment and of the growing population; support local government comprehensive planning; and ensure continued consistency of water use permitting with environmental protection and restoration. The goal is provided by state law – Insure an adequate supply of water to protect and enhance natural systems and to meet all existing and projected reasonable-beneficial uses, while sustaining water resources for future generations. Information on the strategies was provided.

The Governing Board's strategic priority was to implement water supply recommendations to create a dedicated, long-term source for water supply funding – (a) construct regional water resource development projects; (b) fund alternative water supply projects; and (c) expand water conservation grants and outreach. The key deliverables and milestones were provided.

Mr. English asked for information on the projects in the Lower East Coast water supply plan. Water reservations are mostly surface water reservations and he asked why groundwater reservations are not in the program. Information was provided.

Mr. Collins spoke of consumptive use permits and the request by Mr. English that he receive those numbers. Mr. Mulliken will provide that information.

Mr. Lindahl said the word “endure” should be changed to “ensure” in the report.

Mission Support Program, Paul Dumars, Program Coordinator.

Due to time constraints, Mr. Dean suggested that the Governing Board receive a briefing from Paul Dumars on this program at a later date.

Update on District Strategic Plan Continued:

Ms. Wehle said this is a “draft” document and expressed her thanks to the Board for providing direction to staff.

Mr. English asked that “costs” be put in the Plan. Ms. Wehle said the “Strategic Plan” is setting the goals and there will be a “Work Plan” next month that has numbers in it. Mr. Lindahl said Strategic Plans focus on what will be done, and then a budget is filled in with costs after the plan has been established. Mr. Collins provided information on the way the reporting is done. Mr. English said the funding is “strategic” also. Ms. Brooks-Thomas provided information on the strategic planning process.

Ms. Bagué said this is an excellent plan and is a great outreach tool. It shows the goals of the District.

Adjournment at 11:15 a.m. by Chairman Gutiérrez of the Strategic Planning Meeting in the Storch Room. The Governing Board members moved to the B1 Auditorium to begin the Governing Board Regular meeting.

4. Governing Board Meeting called to order at 11:20 a.m.

Pledge of Allegiance – Mr. Nicolas Gutiérrez, Chair, Governing Board.

5. Employee Recognitions, by Henry Dean, Executive Director.

30 Years Service - Wayne Lutz, Sr. Engineer, Infrastructure Services Division, Infrastructure Services Division.

February Employee of the Month: - Tony Vitani, IT Sr. Business Analyst, Information Application.

February Team of the Month: - Remote Camera System Project Team consisting of Doug Kessler, Industrial Electrician, West Palm Beach Field Station Division; Vic Shepard, Sr. Supervisory Electronics Associate, ESDA Division; and Carl Shumate, District Security Specialist, Security Division.

Team of the Year - B-List Rule Making Team consisting of Rufino Osorio, Sr. Legal Administrative Assistant, Office of Counsel; Cecile Ross, Sr. Attorney, Office of Counsel; Beth. Ross, Sr. Specialist Attorney, Office of Counsel; Jan Sluth, Paralegal, Office of Counsel; Scott Burns, Division Director – Water Use Regulation, Water Use Regulation Division; Debra Case, Systems Analyst/Programmer, Technology Resource Team; Virg Cruz, Sr. Administrative Assistant; Nancy Demonstranti, Staff Hydrogeologist, Water Use Regulation Division; Jude Denick, Sr. Engineering Associate, Technology Research Team.

March Employee of the Month

Tom DeVoursney, Buildings Superintendent, Facilities O&M Section.

Employee of the Year - Joan Bartley, Business Operations Analyst, Procurement Department.

March Team of the Month - Mr. Dean and Pamela Brooks-Thomas will travel to the Field Station to present this award and recognize their efforts.

The Manatee Barrier Team consisting of Robert Baskin, Staff Engineer, O& M Engineering; David Branson, Machinist, West Palm Beach Field Station; John Burns, Crew Chief, Ft. Lauderdale Field Station; Kenneth Carroll, Welder/PSO, Ft. Lauderdale Field Station; James Catalano, Structure Maintenance Technician (Field), Ft. Lauderdale Field Station; Richard Dulaney, Excavation/Earthmoving Operator/PSO, Ft. Lauderdale Field Station; Timothy Fulton, Professional Supervisor, Ft. Lauderdale Field Station; Archie Goff, Structure Maintenance Technician (Field); Ft. Lauderdale Field Station; Chris Holling, Structure Maintenance Technician, West Palm Beach Field Station; Randy Jarvis, Machinist, West Palm Beach Field Station; Irven Lockett, Sr., Sr. Excavation/Earthmoving Operator/PSO, Ft. Lauderdale Field Station; Vincent Loehrlein, Sr, Supervising Engineer, O&M Engineering, Richard Malone, Structure Maintenance Technician (Field), West Palm Beach Field Station;

James McAnary, Crane/Dragline Operator, Ft. Lauderdale Field Station; James McCray, Planner/Scheduler, West Palm Beach Field Station; Robert McIntosh, Structure Maintenance Technician (Field), West Palm Beach Field Station; Thomas Osburn, Structure Maintenance Technician (Field), Ft. Lauderdale Field Station; Donald Polak, Planner/Scheduler, West Palm Beach Field Station; Frank Straehla, Jr., Structure Maintenance Technician (Field), Ft. Lauderdale Field Station; Pat Tarpy, Industrial Electrician, Ft. Lauderdale Field Station; Douglas Updike, Structure Maintenance Technician (Field), West Palm Beach Field Station; Margaret Urucinitz, Planner/Scheduler, Ft. Lauderdale Field Station; Craig VanAuken, Contract Inspector, Ft. Lauderdale Field Station; Michael Vincent, Structure Maintenance Technician (Field), Ft. Lauderdale Field Station; Ted Webb, Crew Chief, Ft. Lauderdale Field Station; Eddy West, Welder, Ft. Lauderdale Field Station; Michael Whelan, Structure Maintenance Technician (Field), West Palm Beach Field Station; William Williams, Excavation/Earthmoving Operator, Ft. Lauderdale Field Station; and, Andrew Wolf, Professional Supervisor, Ft. Lauderdale Field Station.

Chairman Gutiérrez recognized Henry Dean for 20 years of consecutive service as an Executive Director, first at St. John's River Water Management District and now at South Florida Water Management District.

6. Recognition of District Award for Vendor Diversity – Frank Hayden, Department Director, Procurement.

Ms. Brooks-Thomas announced that the *South Florida Business Journal* presented an award for diversity to SFWMD. She officially showed off the award and thanked Mr. Hayden and the Procurement Department staff for their hard work.

7. Approval of Minutes from the last month's Governing Board meeting.

- > Motion made by Mr. English and seconded by Mr. Lindahl to approve the Minutes of March 2004. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, McCarty, Gutiérrez, Thornton and Williams.

8. Additions, deletions, and substitutions to the Agenda. A written copy of the changes to the agenda was provided.

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown. Based upon that authority, the Chair of the Governing Board of the South Florida Water Management District determines that good cause exists to make the following changes.

Item #14 was changed.

Page 4 No 1 – Duck Curve Farm (SWM): Postponed to May Board

Page 5 No 1 – Arborwood (WU): Postponed to May Board

Page 6 No 5 – Black Island – Parcel D (ERP): Postponed to May Board

Page 16 No 7 - South County Regional Park (ERP): Postponed to May Board

Page 17 No 1 – Dickerson Carlton Road Mine Tract 3 (WU): Postponed
Page 17 No 3 – Tesoro Parcel 14 Plat 11 (SWM): Postponed to May Board
Page 18 No 1 – Cook Brown Farms (WU Denial): Postponed to May Board
Page 24 No 1 - Wycliffe Golf and Country Club/Kahlert Property at Wycliffe (MOU):
Postponed to May Board

ITEM #17 was deleted.

2004-402 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement C-15173 with Palm Beach County, for removal of exotic vegetation in Loxahatchee Slough, to extend the term by one year from March 13, 2006 to March 12, 2007, in the amount of \$250,000, of which the District will contribute \$125,000 of Dedicated Funds (Water Management Land Trust Fund) which are subject to Governing Board approval of the FY06 and FY07 budgets; providing an effective date. (Contract Number C-15173-A01)

ITEM #18 was changed.

2004-403 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost-share agreement with the Florida Department of Environmental Protection - Jonathan Dickinson State Park, for Loxahatchee River Preservation Initiative's Wild & Scenic River Corridor Habitat Restoration Project - Phase 1, in the amount of \$400,000, of which the District will contribute \$200,000, of which \$107,500 in Dedicated Funds (Water Management Land Trust Fund) are budgeted; and authorize a budget substitution from Interagency Expenditures - Local Governments to Interagency Expenditures - State of Florida, and the remainder is subject to Governing Board approval of the FY05 budget; providing an effective date. (Contract Number IA040317)

ITEM #25 was changed.

2004-410 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cost share agreement C-10282 with St. Lucie County, for IRL Taylor Creek dredging, to extend the total term of the agreement by 2 years to December 13, 2005, to ratify the amendment from December 14, 2003 to April 15, 2004 and decrease the District's total cost share contribution by \$100,000; providing an effective date. (Contract Number C-10282-A01)

ITEM #51 was changed.

2004-444 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement C-15063, with Collier County for the Code Enforcement Inspector / Rain Sensor Switch Installation Program, to extend the total term of the agreement by 4 months to July 30, 2004 and to ratify the amendment from March 31, 2004 to April 15, 2004, at no additional cost to the District; providing an effective date. (Agreement Number C-15063-A01)

ITEM #52 was changed.

2004-445 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to agreement C-15062 with Collier County, for South County Wastewater Service Area Inflow and Infiltration Study, to extend the total term of the

agreement by 9 months to December 2, 2004 and to ratify the amendment from March 3, 2004 to April 15, 2004, at no additional cost to the District; providing an effective date. (Agreement Number C-15062-A01)

ITEM #69 was changed.

2004-461 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with DIG-IT Tractor Services, Inc. the lowest responsive and responsible bidder, for flat mowing services in an amount not to exceed \$368,304 for which Ad Valorem funds of \$32,368 and Dedicated Funds (STA O&M Fund) of \$31,584 are budgeted and the remainder is subject to Governing Board approval of the FY05-FY07 budgets; providing an effective date. (Contract Number OT040851)

ITEM #71 was changed.

2004-463 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 14-month contract with GreenWater Laboratories, Inc., as the single respondent to the solicitation, subject to successful negotiations, for assessment of cyanobacterial toxins in an amount not to exceed \$60,000, for which Dedicated Funds (state appropriations) are budgeted; providing an effective date. (Contract Number ML040640)

ITEM #72 was changed.

2004-464 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 270 day contract with H. A. Contracting Corporation, the lowest responsive and responsible bidder, for S-2 & S-3 Pump Station Hardening in the amount of \$886,000 for which Ad Valorem Funds of \$447,000 are budgeted, and the remainder is subject to Governing Board approval of the FY05 budget; providing an effective date. (Contract Number CN040380)

ITEM #77 was deleted.

Update on cost-share agreement with South Broward Drainage District, Southwest Ranches, Pembroke Pines and the South Florida Water Management District

ITEM #85 was changed.

2004-479 A Resolution of the Governing Board of the South Florida Water Management District concurring with the WRAC Issues Workshop recommendations of Alternative Water Supply, providing an effective date.

ITEM #87 was changed.

2004-468 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 300 day contract with Murray Logan Construction, Inc., the lowest responsive and responsible bidder, for S-5A Diversion Structure G-341 in the amount of \$2,382,000, for which Dedicated Funds (Everglades Restoration Trust Fund) of \$452,924 are budgeted; and authorize a budget substitution from STA 3/4 Enhancements in the amount of \$1,929,076 from Dedicated Funds (Everglades Restoration Trust Fund) to S-5A Diversion Structure G-341; providing an effective date. (Contract Number CE040780)

ITEM #89 was changed.

2004-470 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a contract with Lucas Marine Construction Inc., the lowest responsive and responsible bidder, for the construction and installation of the S-5A Trash Rakes, in the amount of \$2,960,214, of which \$750,000 is unbudgeted and authorize a budget substitution from S-135 Automation & Repowering in the amount of \$261,000, S-4 Electrical Upgrades in the amount of \$239,000, and S-151 Culvert Repairs in the amount of \$250,000 from Ad Valorem funds to S-5A Trash Rakes; and the remainder is subject to Governing Board approval of the FY05 budget; providing an effective date. (Contract Number CN040412)

ITEM #90 was changed.

2004-471 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into 3-year work order contracts, each with two, 1-year renewal options, with Parsons Water & Infrastructure Inc., Wolfberg/Alvarez and Partners, Inc., Arcadis G&M, Inc., EAC Consulting, Inc., A.D.A. Engineering, Inc., and T.Y. Lin International, selected for General Engineering - Civil/Structural Services New Initiatives contracts, in an amount not-to-exceed the total project funding of General Engineering Services Contracts issued in response to RFP CN040096 of \$61,000,000 subject to current budget authority and Governing Board approval of the FY05-FY09 budgets. If negotiations are unsuccessful with a firm, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Numbers CN040908, CN040909, CN040910, CN040911, CN040912, CN040913)

ITEM #91 was changed.

2004-472 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into 3-year work order contracts, each with two, 1-year renewal options, with Hillers Electrical Engineering, Inc., Malcolm Pirnie, Inc., and Tricon International, Inc., selected for General Engineering - Electrical/Mechanical services New Initiatives contracts, in an amount not-to-exceed the total project funding of General Engineering Services Contracts issued in response to RFP CN040096 of \$61,000,000 subject to current budget authority and Governing Board approval of the FY05-FY09 budgets. If negotiations are unsuccessful with a firm, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Numbers CN040914, CN040915, CN040916)

ITEM #92 was changed.

2004-473 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into 3-year work order contracts, each with two, 1-year renewal options, with Earth Tech Consulting, Inc., Parsons Water & Infrastructure Inc., SDI Environmental Services, Inc., Applied Technology and Management, Inc., Marco Water Engineering, and Taylor Engineering, Inc., selected for General Engineering - Modeling Services New Initiatives contracts, in an amount not-to-exceed the total project funding of General Engineering Services Contracts issued in

response to RFP CN040096 of \$61,000,000 subject to current budget authority and Governing Board approval of the FY05-FY09 budgets. If negotiations are unsuccessful with a firm, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Numbers CN040920, CN040921, CN040922, CN040923, CN040924, CN040925)

The following item was added

Item #115

2004-478 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with Spectrum Municipal Services, Inc., for financial advisory services and authorize a waiver of competition, in an amount not to exceed \$50,000 of which \$10,000 is budgeted and the remainder is subject to Governing Board approval of the FY05-FY06 budget; providing an effective date.

9. Abstentions by Board Members from items on the Agenda. Mr. Lindahl announced his abstentions.

10. Pulled Items for Discussion from Governing Board Meeting Agenda.

Hugh English and Trudi Williams each pulled Item 22.

Mr. Lindahl did not pull the following items, but spoke on the five items on the Agenda that are in support of the Loxahatchee River regarding special funding from the Legislature and he commended everyone for putting the various projects together to restore the River. Item 26 is the draft transmittal to the DEP of the Upper East Water Supply Plan. He commended Mark Elsner and staff for a job well done. Item #62, Investors Mortgages Funding, he congratulated Mr. Dean on this Agenda item. Items 80, 18, 19 and 20 will follow this item. Mr. Collins said the WRAC unanimously approved the Plan and staff did an excellent job.

Announcement:

Chairman Gutiérrez introduced Michael Minton, former Vice Chair of the SFWMD Governing Board, who was attending the Governing Board meeting.

Chip Merriam provided information on the Loxahatchee River Preservation Initiative. Agenda Items 18-21. He also explained why Item No. 17 was removed from the agenda.

17. 2004-402 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement C-15173 with Palm Beach County, for removal of exotic vegetation in Loxahatchee Slough, to extend the term by one year from March 13, 2006 to March 12, 2007, in the amount of \$250,000, of which the District will contribute \$125,000 of Dedicated Funds (Water Management Land Trust Fund) which are subject to Governing Board approval of the FY06 and FY07 budgets; providing an effective date. (Contract Number C-15173-A01)

18. As Changed.

WATERSHED MANAGEMENT
INTERAGENCY AGREEMENT

2004-403 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost-share agreement with the Florida Department of Environmental Protection - Jonathan Dickinson State Park, for Loxahatchee River Preservation Initiative's Wild & Scenic River Corridor Habitat Restoration Project - Phase 1, in the amount of \$400,000, of which the District will contribute \$200,000, of which \$107,500 in Dedicated Funds (Water Management Land Trust Fund) are budgeted; and authorize a budget substitution from Interagency Expenditures - Local Governments to Interagency Expenditures - State of Florida, and the remainder is subject to Governing Board approval of the FY05 budget; providing an effective date. (Contract Number IA040317) Project Sponsor: Thomas V. Conboy.

19. WATERSHED MANAGEMENT
LOCAL GOVERNMENTAL AGREEMENT

2004-404 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year cost-share agreement with the Martin County Board of County Commissioners, for Loxahatchee River Preservation Initiative's Kitching Creek Restoration Project, in the amount of \$816,348, of which the District will contribute \$300,000, of which \$120,000 in Dedicated Funds (Water Management Land Trust Fund) are budgeted, and the remainder is subject to Governing Board approval of the FY05 budget; providing an effective date. (Contract Number IA040323). Project Sponsor: Thomas V. Conboy.

20. WATERSHED MANAGEMENT
LOCAL GOVERNMENTAL AGREEMENT

2004-405 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost-share agreement with Palm Beach County, for Loxahatchee River Preservation Initiative's Riverbend Park Hydrologic Restoration Project, in the amount of \$780,000, of which the District will contribute \$375,000, of which \$25,000 in Dedicated Funds (Water Management Land Trust Fund) are budgeted, and the remainder is subject to Governing Board approval of the FY05 budget; providing an effective date. (Contract Number IA040334). Project Sponsor: Thomas V. Conboy.

21. WATERSHED MANAGEMENT
INTERAGENCY AGREEMENT

2004-406 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost-share agreement with the Loxahatchee River Environmental Control District, for Loxahatchee River Preservation Initiative's Jonathan Dickinson State Park Water Quality Improvements Project - Phase 1, in the amount of \$200,000, of which the District will contribute \$100,000 for which Dedicated Funds (state appropriations) are budgeted; providing an effective date. (Contract Number IA040876). Project Sponsor: Thomas V. Conboy.

80. Loxahatchee River Preservation Initiative Projects & Partnerships – Deb Drum

Deb Drum, Division Director, Coastal Ecosystems, SFWMD, presented information on the projects and partnerships. The four projects are the Wild & Scenic River Corridor Habitat Restoration; Kitching Creek Restoration Project; River Bend Park Hydrologic Restoration; and Jonathan Dickinson State Park Water Quality Improvements. Many of the partners on these projects were in attendance on these projects and Ms. Drum introduced them and stated their affiliation.

Chairman Gutiérrez spoke on the Loxahatchee River restoration project.

Public Comment:

Marge Ketter, representing herself, Jupiter, Florida, spoke on the Loxahatchee River initiatives. Deb Drum did a good job of going over the initiatives and she thanked the Board for all they have done for the Loxahatchee River.

Announcement:

Mr. Lindahl congratulated Todd Wodraska for winning this appointment to the Town of Jupiter Commission.

11. Public Comment on Consent Agenda.

Patrick Hayes, representing the Loxahatchee River Coalition, Tequesta, addressed Item 14, page 15, #5 Loxahatchee Reserve (ERP). He has concerns with the current plan and wetlands. He thinks special conditions should be applied and road elevations should be set above the grade. An overall pumping mechanism is of concern to him and the number of cfs in the plan.

12. Board Comment on Consent Agenda.

Mr. English spoke on the Loxahatchee River, orange groves, and other issues of importance in the projects.

Land Resources – Regulatory Matters

13. Right of Way Occupancy New Permits; Right of Way Occupancy Permit Modifications; Right of Way Occupancy Permit Applications for Denial; and Right of Way Occupancy Permit Requests with Waiver of District Criteria.

Water Resources – Regulatory Matters

14. As Changed. Water Use Permit Applications; Surface Water Management Permit Applications (includes Conservation Easement); Environmental Resource Permit (includes Conservation Easement); Denials; Environmental Resource Permit Extensions; Surface Water Management Permit Extensions; Consent Agreements; Emergency Authorizations and Orders; and Memorandums of Understanding.

Page 4 No 1 – Duck Curve Farm (SWM): Postponed to May Board

Page 5 No 1 – Arborwood (WU): Postponed to May Board
 Page 6 No 5 – Black Island – Parcel D (ERP): Postponed to May Board
 Page 16 No 7 - South County Regional Park (ERP): Postponed to May Board
 Page 17 No 1 – Dickerson Carlton Road Mine Tract 3 (WU): Postponed
 Page 17 No 3 – Tesoro Parcel 14 Plat 11 (SWM): Postponed to May Board
 Page 18 No 1 – Cook Brown Farms (WU Denial): Postponed to May Board
 Page 24 No 1 - Wycliffe Golf and Country Club/Kahlert Property at Wycliffe (MOU):
 Postponed to May Board.

Water Resources

15. WATER SUPPLY

INTERAGENCY AGREEMENT

2004-400 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2 year cooperative agreement with the Florida Geological Survey for the Geochemical Analysis of Rock Samples for the CERP ASR Regional Study in the amount of \$493,020 of which \$151,406 in Dedicated Funds (Comprehensive Everglades Restoration Plan Fund) are budgeted and the remainder is subject to Governing Board approval of the FY05-FY06 budgets; providing an effective date. (Contract Number OT040175). Project Sponsor: Emily E. Richardson

16. WATER SUPPLY

DISTRICT GRANT

2004-401 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with the City of Boynton Beach for the Boynton Beach ASR Project in the amount of \$300,000, which is unbudgeted and authorize budget substitutions from Lake Region Water Facility-Clewiston project in the amount of \$200,000 and Lake Region Water Facility-South Shore project in the amount of \$100,000 from Ad Valorem funds; providing an effective date. (Contract Number DG040186). Project Sponsor: Nestor L. Garrido.

17. Deleted.

22. Moved to Discussion

23. 2004-408 A Resolution of the Governing Board of the South Florida Water Management District relating to the Agency Report to the Florida Department of Environmental Protection concerning Florida Power and Light's (FPL's) application for Site Certification of its Turkey Point Unit #5 Expansion Project; the Report recommends approval of FPL's request to withdraw 17.89 MGD/4,599 MGY from the Floridan Aquifer for cooling water for unit #5, subject to certain conditions and restrictions (Jim Golden)

24. CONSTRUCTION AND ENGINEERING

INTERAGENCY AGREEMENT

2004-409 A Resolution of the Governing Board of the South Florida Water Management District to authorize an agreement with the Florida Department of Community Affairs, for the Miami-Dade Flood Mitigation Program - C-4 Dredging A/E, in the amount of \$704,667 as reimbursement to the District; and delegating to the Executive Director the authority to approve any subsequent amendments to said contract; providing an effective date. (Contract Number CN040795). Project Sponsor: John L. Leslie III

25. As changed.

SERVICE CENTERS

LOCAL GOVERNMENTAL AMENDMENT

2004-410 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cost share agreement C-10282 with St. Lucie County, for IRL Taylor Creek dredging, to extend the total term of the agreement by 2 years to December 13, 2005, to ratify the amendment from December 14, 2003 to April 15, 2004 and decrease the District's total cost share contribution by \$100,000; providing an effective date. (Contract Number C-10282-A01) Project Sponsor: Kathryn S. LaMartina.

26. Approval of Draft 2004 Update of the Upper East Coast Water Supply Plan. (Mark Elsner).

27. 2004-411 A Resolution Of The Governing Board Of The South Florida Water Management District accepting the Five Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)4, Florida Statutes; providing an effective date. (Michelle Percy)

Land Resources

28. 2004-412 A Resolution of the Governing Board of the South Florida Water Management District approving staff recommendations for releases of District Canal, Mineral and Road Reservations, releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) Canal Reservations, and issuance of Non-Use Commitments; providing an effective date. (V. Rada)

29. 2004-413 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 9.5 acres, more or less, in the amount of \$153,500 and associated costs not to exceed \$30,000; for the Southern Corkscrew Regional Watershed Project ("Critical CREW Project") in Lee County; providing an effective date. (T. Hanaway)

30. 2004-414 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 2.50 acres, more or less, for the Avatar Properties Area, Pool "A" Component of the Kissimmee River Restoration Project in Polk County, in the amount of \$2,400, for which Dedicated Funds (Florida Forever Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date..

2004-415 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 2.50 acres, more or less, in the amount of \$2,400 and associated costs not to exceed \$4,000; for the Avatar Properties Area, Pool "A" Component of the Kissimmee River Restoration Project in Polk County; providing an effective date. (P. Schneider)

31. 2004-416 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 19.01 acres, more or less, for the Biscayne Bay Coastal Wetlands Project, in Miami-Dade County, which is also part of the CERP Project, in the amount of \$380,200, and associated costs; for which Dedicated Funds (Save Our Everglades Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date.

2004-417 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 19.01 acres, more or less, in the amount of \$380,200 and associated costs, for the Biscayne Bay Coastal Wetlands CERP Project in Miami-Dade County; providing an effective date. (M. Holstein)

32. 2004-418 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 2.50 acres, more or less, for the L-31 North Project, in Miami-Dade County, in the amount of \$59,750 and associated costs; for which Dedicated Funds (Florida Forever Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date.

2004-419 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 2.50 acres, more or less, in the amount of \$59,750 and associated costs not to exceed \$5,975; for the L-31 North Project in Miami-Dade County; providing an effective date. (M. Holstein)

33. 2004-420 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 616.22 acres, more or less, for the Indian River Lagoon Project, which is also part of the CERP Project, in St. Lucie County, in the amount of \$4,700,000 and associated costs; for which Dedicated Funds (Save Our Everglades Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date.

2004-421 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the proposed purchase of land interests containing 616.22 acres, more or less, in the amount of \$4,700,000 and associated costs; for the Indian River Lagoon Project, in St. Lucie County; providing an effective date. (B. Bernstein)

34. 2004-422 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 274.41 acres, more or less, for the Indian River Lagoon Project, which is also part of the CERP Project, in St. Lucie County, in the amount of \$2,570,000 and associated costs; for which Dedicated Funds (Save Our Everglades Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date.

2004-423 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the proposed purchase of land interests containing 274.41 acres, more or less, in the amount of \$2,570,000 and associated costs; for the Indian River Lagoon Project, in St. Lucie County; providing an effective date. (B. Bernstein)

35. 2004-424 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 2.5 acres, more or less, for the Shingle Creek Project, in Orange County, in the amount of \$21,400, and associated costs; for which Dedicated Funds (Wetlands Mitigation Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date.

36. 2004-425 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of rights in land and other interests, in Polk County, Kissimmee Chain of Lakes Project in the amount of \$811,600 for which Dedicated Funds (Florida Forever Fund) are budgeted; approve payment of incentives in the maximum amount of \$132,800 for which funds are budgeted within the Florida Forever Funds; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date.

2004-426 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of rights in land and other interests, in Polk County, Kissimmee Chain of Lakes Project, in the amount of \$811,600, associated costs not to exceed \$87,750, and payment of incentives in the maximum amount of \$132,800; providing an effective date. (B. Schaeffer)

37. 2004-427 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of rights in land and other interests, in Polk County, Kissimmee Chain of Lakes Project in the amount of \$666,600 for which Dedicated Funds (Florida Forever Fund) are budgeted; approve payment of incentives in the maximum

amount of \$107,125 for which funds are budgeted within the Florida Forever Funds; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date.

2004-428 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of rights in land and other interests, in Polk County, Kissimmee Chain of Lakes Project, in the amount of \$666,600, associated costs not to exceed \$73,125, and payment of incentives in the maximum amount of \$107,125; providing an effective date. (B. Schaeffer)

38. 2004-429 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of rights in land and other interests, in Polk County, Kissimmee Chain of Lakes Project in the amount of \$712,600 for which Dedicated Funds (Florida Forever Funds) are budgeted; approve payment of incentives in the maximum amount of \$118,900 for which funds are budgeted within the Florida Forever Funds; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date.

2004-430 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of rights in land and other interests, in Polk County, Kissimmee Chain of Lakes Project, in the amount of \$712,600, associated costs not to exceed \$73,125, and payment of incentives in the maximum amount of \$118,900; providing an effective date. (B. Schaeffer)

39. 2004-431 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of rights in land and other interests, in Polk County, Kissimmee Chain of Lakes Project in the amount of \$657,800.00 for which funds are budgeted within the Florida Forever Funds; Approve payment of incentives in the maximum amount of \$112,275.00 for which funds are budgeted within the Florida Forever Fund; approve declaring surplus, disposal of, and removal from the asset records, any structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date.

2004-432 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of rights in land and other interests, in Polk County, Kissimmee Chain of Lakes Project, in the amount of \$657,800, associated costs not to exceed \$73,125, and payment of incentives in the maximum amount of \$112,275; providing an effective date. (B. Schaeffer)

40. 2004-433 A Resolution of the Governing Board of the South Florida Water Management District approving the conveyance of a non-exclusive access easement over an existing road located in Section 33, Township 42 South, Range 29 East, Glades County, C-43 Spoil area, containing 6.23 acres, more or less, for a price no less than appraised value; providing an effective date. (K. Massey)

41. 2004-434 A Resolution of the Governing Board of the South Florida Water Management District approving the surplus of 0.29 acres, more or less, in Fee, Section 1, Township 43 South, Range 28 East, Hendry County, Florida, C-43 Canal Spoil Area, subject to conditions; providing an effective date. (K. Massey)

42. 2004-435 A Resolution of the Governing Board of the South Florida Water Management District to approving the release of the reverter contained in that certain quitclaim deed to Hendry County recorded in Official Records Book 401, Page 819, Sections 1 and 12, Township 43 South, Range 28 East and Section 6, Township 43 South, Range 29 East, Hendry County, Florida, C-43 Canal Spoil Area, at no cost to the applicant; providing an effective date. (K. Massey)

43. 2004-436 A Resolution of the Governing Board of the South Florida Water Management District approving the release of a portion of the C-13 Canal Right of Way in Broward County, Florida, in Section 27, Township 49 South, Range 42 East, containing .231 acres, more or less, subject to conditions; providing an effective date. (K. Massey)

44. 2004-437 A Resolution of the Governing Board of the South Florida Water Management District approving the Lakebelt Mitigation Committee Annual Report for 2003. (Ruth Clements).

45. 2004-438 A Resolution of the Governing Board of the South Florida Water Management District authorizing the granting of easements as settlement of an anticipated Federal condemnation by Gulfstream Natural Gas Systems, L.L.C. against the South Florida Water Management District over an area comprising 103 acres, more or less, in the Gulfstream Pipeline Project, located in Highlands and Okeechobee counties; for not less than the approved appraised value; providing terms and conditions for granting such easements; providing an effective date.

Corporate Resources

46. Human Resources

2004-439 A Resolution of the Governing Board Of The South Florida Water Management District amending various sections of Chapter 120 Of The District Policy Code regarding emergency pay; providing for inclusion in the District Policy Code; providing for severability; providing an effective date. (Lourdes Ramos)

47. 2004-440 A Resolution of the Governing Board Of The South Florida Water Management District amending various sections of Chapter 120 Of The District Policy Code regarding recruitment; providing for inclusion in the District Policy Code; providing for severability; providing an effective date. (Lourdes Ramos)

48. 2004-441 A Resolution Of The Governing Board Of The South Florida Water Management District authorizing the designation of the positions of 002196 Deputy Executive Director, 002197 Deputy Executive Director, 002198 Deputy Executive Director, 002199 Asst Deputy Exec Director, 001864 Dept Dir Land Acquisition, and 001338 Dept Dir Watershed Management as senior management for the purpose of participation in the Florida Retirement System, effective May 1, 2004. (Sandra Turnquest)

Greater West Coast Department

49. GREATER WEST COAST
INTERAGENCY AGREEMENT

2004-442 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with East County Water Control District, for restoration of slough and marsh in the total amount of \$455,000, of which the District will contribute \$300,000 for which Dedicated Funds (Water Management Land Trust Fund) are budgeted; providing an effective date. (Contract Number OT040625)

50. GREATER WEST COAST
INTERAGENCY AGREEMENT

2004-443 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the Florida Department of Environmental Protection for the Charlotte Harbor Buffer Preserve in the amount of \$169,456 of which the District will contribute \$99,456 for which Dedicated Funds (Water Management Land Trust Fund) are budgeted; (total project cost over several years is estimated at \$1,280,000); providing an effective date. (Contract Number OT040644)

51. As Changed.

GREATER WEST COAST
LOCAL GOVERNMENTAL AMENDMENT

2004-444 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement C-15063, with Collier County for the Code Enforcement Inspector / Rain Sensor Switch Installation Program, to extend the total term of the agreement by 4 months to July 30, 2004 and to ratify the amendment from March 31, 2004 to April 15, 2004, at no additional cost to the District; providing an effective date. (Agreement Number C-15063-A01) Project Sponsor: Barbara J. Kerby

52 As Changed.

GREATER WEST COAST
LOCAL GOVERNMENTAL AMENDMENT

2004-445 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to agreement C-15062 with Collier County, for South County Wastewater Service Area Inflow and Infiltration Study, to extend the total term of the agreement by 9 months to December 2, 2004 and to ratify the amendment from March 3, 2004 to April 15, 2004, at no additional cost to the District; providing an effective date. (Agreement Number C-15062-A01) Project Sponsor: Shabbir Ahmed

53. GREATER WEST COAST

LOCAL GOVERNMENTAL AGREEMENT

2004-446 A Resolution of the Governing Board of the South Florida Water Management District, to authorize entering into a 9 month cooperative agreement with Collier County, for Real Time Kinetic Global Positioning System Network Benchmarks, in the amount of \$60,000, for which Dedicated Funds (Big Cypress Basin) are budgeted; providing an effective date. (Contract Number OT040070). Project Sponsor: Shabbir Ahmed

Operations and Maintenance

54. FIELD OPERATIONS - CENTRAL

COMPETITIVE CONTRACT AMENDMENT

2004-447 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-12534 with Environmental Process Systems, Inc. for Post Disaster Debris Removal/Emergency Services, to ratify the amendment from March 26, 2004 to April 14, 2004 and extend the term an additional 36 months to March 25, 2007, at no additional cost to the District; providing an effective date. Contract Number (C-12534-A01). Project Sponsor: Amelia Rodriguez-Alers

55. OPERATIONS CTRL, ENG & VEG MGT

INTERAGENCY AMENDMENT

2004-448 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-15496 with the U. S. Department of Agriculture, for additional lygodium biocontrol work, in the amount of \$300,000 for which Ad Valorem funds of \$75,000 are budgeted and the remainder is subject to Governing Board approval of the FY05-FY07 budgets; providing an effective date. (Contract Number C-15496-A01). Project Sponsor: Amy P. Ferriter.

56. OPERATIONS CTRL, ENG & VEG MGT

INTERAGENCY AGREEMENT

2004-449 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to agreement C-15526 with the U.S. Department of Agriculture for additional Biocontrol Quarantine Facility support in an amount not to exceed \$200,000 of which \$200,000 is unbudgeted and authorize a budget substitution from Program Implementation Support in the amount of \$200,000 from Dedicated Funds (Comprehensive Everglades Restoration Plan) to Biocontrol Quarantine Facility; providing an effective date. (Contract Number C-15526-A01). Project Sponsor: Amy P. Ferriter

57. OPERATIONS CTRL, ENG & VEG MGT

INTERAGENCY AGREEMENT

2004-450 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 4 year cooperative agreement with the National Park Service for the Exotic Species Assessments in the amount of \$200,000, for which dedicated funds (USDA) of \$35,000 are budgeted and the remainder is subject to Governing Board approval of the FY05-FY07 budgets; providing an effective date. (Contract Number OT040449). Project Sponsor: Amy P. Ferriter

58. EXECUTIVE OFFICE

COMPETITIVE CONTRACT AMENDMENT

2004-451 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-12528-A01 with Phillips & Jordan, Inc. for Post Disaster Debris Removal / Emergency Services, to ratify the amendment from March 15, 2004 to April 14, 2004 and extend the term an additional 36 months to March 14, 2007, at no additional cost to the District; providing an effective date. (Contract Number C-12528-A01). Project Sponsor: Amelia Rodriguez-Alers.

59. EXECUTIVE OFFICE

COMPETITIVE CONTRACT AMENDMENT

2004-452 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-12573 with DRC, Inc. for Post Disaster Debris Removal / Emergency Services, to ratify the amendment from March 15, 2004 to April 14, 2004 and extend the term an additional 36 months to March 14, 2007, at no additional cost to the District; providing an effective date. Contract Number(C-12573-A01) Project Sponsor: Amelia Rodriguez-Alers

Office of Counsel

60. OFFICE OF COUNSEL

SPECIAL PROCUREMENT AMENDMENT

2004-453 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract OT040028 with Winderweedle Haines Ward & Woodman, Pa., for legal services in the Eminent Domain action known as SFWMD v. A&G Cattle, in the amount of \$183,205 for which Dedicated Funds (P2000/Florida Forever Trust Funds) are budgeted; providing an effective date. (Contract Number OT040028-A01) Project Sponsor: Michael J. Compagno

61. OFFICE OF COUNSEL

SPECIAL PROCUREMENT AMENDMENT

2004-454 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-15045 with the Florida Department of Legal Affairs, for legal services in complex litigation matters, in the amount of \$50,000 for which Ad Valorem Funds are budgeted; providing an effective date. (Contract Number C-15045-A03). Project Sponsor: Scott A. Glazier

62. 2004-455 A Resolution of the Governing Board of the South Florida Water Management District to authorize a Settlement Agreement with Investors Mortgage Funding Corp. for \$19,000,000.00 which funds are budgeted from the Save Our Everglades Trust Fund plus \$2,470,000.00 in attorney fees which funds are budgeted from CERP ad valorem funds (with a transfer of funds from outside counsel-litigation-CERP to land and associated costs-CERP) plus \$500,000.00 in costs of a condemnation action located on approximately 112.55 acres (Tract No. 201-096) within the designated boundaries of the C-11 Impoundment and Diversion Canal Component of CERP (East Coast Buffer Project) styled South Florida Water Management District v. Investors Mortgage Funding Corp., filed in the 17th Circuit Court for Broward County, Florida, Case No. 00-013404-14, and declare surplus, disposal of, and removal from the asset records, any such structures, improvements or real property deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Scott A. Glazier)

63. 2004-456 A Resolution Of The Governing Board Of The South Florida Water Management District authorizing the execution of an agreement to settle litigation between the Orlando Utilities Commission, The St. Johns River Water Management District, and Orange County; providing an effective date.

64. Board Vote on Consent Agenda

- > Motion made by Mr. Collins and Mr. McCarty, except Item 22, to approve the Consent Agenda. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, McCarty, Gutiérrez, Thornton and Williams.

Procurement and Contract Items

Items may be taken as one item with one vote by the Governing Board if so desired. Applicable agenda items in this category are being proposed for authorization to officially post the requested action.

Mr. Collins and Chairman Gutiérrez commended Mr. Hayden and District staff for their work on the Procurement and Contract Items. Mr. English asked that the public review these items carefully since even though the Governing Board members have been briefed thoroughly on the Consent and Mr. Collins agreed. Ms. Brooks-Thomas recognized staff for their work on procurement contracts.

65. OPERATIONS AND MAINTENANCE COMPETITIVE CONTRACT - RFB

2004-457 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with G & K Services, Co., the lowest responsive and responsible bidder, for uniform services for Operations and Maintenance Resources in an amount not to exceed \$334,401.56, for which Ad Valorem funds of \$46,444.65 are budgeted, and the remainder is subject to Governing Board approval of the FY05-FY07 budgets; providing an effective date. (Contract Number OT040364. Project Sponsor: James E. Goodwin)

Approved 50 year O&M Capital Projects Plan

66. FIELD OPERATIONS - CENTRAL
COMPETITIVE CONTRACT - RFB

2004-458 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Rood Landscape Co., Inc., the lowest responsive and responsible bidder, for flat mowing services in an amount not to exceed \$351,840 for which Ad Valorem funds of \$67,840 are budgeted, and the remainder is subject to Governing Board approval of the FY05-FY07 budgets; providing an effective date. (Contract Number OT040366) Project Sponsor: Amelia Rodriguez-Alers

67. OPERATIONS AND MAINTENANCE
SOLE SOURCE PROCUREMENT

2004-459 A Resolution of the Governing Board of the South Florida Water Management District to authorize a 3 year purchase order with Fairbanks Morse - Engine Division and authorize a Sole Source Procurement as an exception to the general standards of competition, for pump station engine parts. These parts are used to overhaul the District's Fairbanks Morse opposed piston engines in the not to exceed amount of \$600,000 for which Ad Valorem Funds of \$200,000 are budgeted and the remainder is subject to Governing Board approval of the FY05-FY07 budgets; providing an effective date. (Purchase Order PXXXXXX). Project Sponsor: Fred Remen.

68. CONSTRUCTION AND ENGINEERING
COMPETITIVE CONTRACT - RFB

2004-460 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with The Jones Company of South Florida, the lowest responsive and responsible bidder, for Deer Fence Road Improvements in the amount of \$715,112 of which \$277,114 in Dedicated Funds (Everglades Restoration Trust Funds) are budgeted, and authorize a budget substitution from STA 3/4 Construction in the amount of \$437,998 from Dedicated Funds (Everglades Restoration Trust Funds) to Deer Fence Road Improvements; providing an effective date. (Contract Number CE040778)

ITEM #69 As Changed.

FIELD OPERATIONS – CENTRAL
COMPETITIVE CONTRACT - RFB

2004-461 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with DIG-IT Tractor Services, Inc. the lowest responsive and responsible bidder, for flat mowing services in an amount not

to exceed \$368,304 for which Ad Valorem funds of \$32,368 and Dedicated Funds (STA O&M Fund) of \$31,584 are budgeted and the remainder is subject to Governing Board approval of the FY05-FY07 budgets; providing an effective date. (Contract Number OT040851) Project Sponsor: Amelia Rodriguez-Alers

70. CONSTRUCTION AND ENGINEERING

COMPETITIVE CONTRACT - RFB

2004-462 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 270 day contract with MGI-Morgan General Mechanical Group, Inc., the lowest responsive and responsible bidder, for S-13 & S-9 Pump Station Waterproofing & Hardening in the amount of \$612,795, for which Ad Valorem funds of \$560,000 are budgeted, and authorize a budget substitution from S-151 Culvert Repairs in the amount of \$52,795 from Ad Valorem funds to S-13 & S-9 Pump Station Waterproofing & Hardening; providing an effective date. (Contract Number CN040392). Project Sponsor: Leslie J. Wood.

71. As Changed.

WATERSHED MANAGEMENT

COMPETITIVE CONTRACT

2004-463 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 14-month contract with GreenWater Laboratories, Inc., as the single respondent to the solicitation, subject to successful negotiations, for assessment of cyanobacterial toxins in an amount not to exceed \$60,000, for which Dedicated Funds (state appropriations) are budgeted; providing an effective date. (Contract Number ML040640). Project Sponsor: Therese East.

72. As Changed.

CONSTRUCTION AND ENGINEERING

COMPETITIVE CONTRACT RFB

2004-464 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 270 day contract with H. A. Contracting Corporation, the lowest responsive and responsible bidder, for S-2 & S-3 Pump Station Hardening in the amount of \$886,000 for which Ad Valorem Funds of \$447,000 are budgeted, and the remainder is subject to Governing Board approval of the FY05 budget; providing an effective date. (Contract Number CN040380) Project Sponsor: Leslie J. Wood.

73. WATERSHED MANAGEMENT

COMPETITIVE CONTRACT – RFP

2004-465 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year contract with the University of Florida, subject to successful negotiations, to conduct soils analysis in the Floodplains of the Loxahatchee River, in the amount of \$134,000, of which \$55,000 in Ad Valorem funds are budgeted; and authorize a budget substitution from Interagency Expenditures - Local Governments to Interagency Expenditures - Public Universities, and the remainder is subject to Governing Board approval of the FY05-FY06 budgets. If negotiations are unsuccessful with the University of Florida, the District will proceed with negotiations in

ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number RS040633)

74. WATERSHED MANAGEMENT

COMPETITIVE CONTRACT - RFP

2004-466 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 1 year contract with JGH Engineering, subject to successful negotiations, to develop a graphical user interface for analyzing phosphorus import/export, in an amount not to exceed \$82,500, for which Dedicated Funds (state appropriations) in the amount of \$75,000 are budgeted in FY04, and the remainder is subject to Governing Board approval of the FY05 budget; providing that, if negotiations are unsuccessful with JGH Engineering, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number RS040634). Project Sponsor: Jinhui Zhang.

75. Board Vote on Procurement and Contract items.

- > Motion made by Mr. Collins and seconded by Mr. Lindahl to approve Procurement Items 65 through 74 of the Procurement and Contract Agenda. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, McCarty, Gutiérrez, Thornton and Williams

OFFICE OF COUNSEL:

Sheryl Wood asked for advice on agenda items 97, 98, and 99 from the Governing Board Members. She read into the record a list of attendees at the Closed Door Session.

Chairman Gutiérrez adjourned the Board meeting to Closed Door Session at 12:05 p.m.

97. CLOSED-DOOR SESSION

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District et al, United States District Court, Southern District of Florida, Case No. 88-1886-Civ-Moreno.

Action Items (if any) Stemming from Closed-Door Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District et al, United States District Court, Southern District of Florida, Case No. 88-1886-Civ-Moreno, by Sheryl G. Wood, General Counsel, Office of Counsel.

98. CLOSED-DOOR SESSION

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2003) to discuss strategy

related to litigation expenditures in Miccosukee Tribe of Indians of Florida, v. South Florida Water Management District and Sam Poole, and Friends of Everglades v. South Florida Water Management District, United States Court of Appeals Eleventh Circuit, Case No. 00-15703.

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8) (2003) to discuss strategy related to litigation expenditures in Miccosukee Tribe of Indians of Florida, v. South Florida Water Management District and Sam Poole, and Friends of Everglades v. South Florida Water Management District, United States Court of Appeals Eleventh Circuit, Case No. 00-15703, by Sheryl G. Wood, General Counsel, Office of Counsel.

99. CLOSED-DOOR SESSION

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2003) to discuss strategy related to litigation expenditures in Friends of the Everglades, et al., v. South Florida Water Management District, et al, United States District Court, Southern District of Florida, Case No. 02-80309-CIV-Altonaga/Bandstra.

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2003) to discuss strategy related to litigation expenditures in Friends of the Everglades, et al., v. South Florida Water Management District, et al, United States District Court, Southern District of Florida, Case No. 02-80309-CIV-Altonaga/Bandstra., by Sheryl G. Wood, General Counsel, Office of Counsel.

Reconvene meeting at 1:10 p.m.

Chairman Gutiérrez stated that no action was required by the Governing Board on Closed Door Items 97, 98, and 99.

Workshop Agenda

77. Deleted.

78. CERP Projects Update, by Chip Merriam.

Information concerning CERP projects was presented, including information on the Southern Golden Gate Estates Hydrologic Restoration Project. Restoration on 10 Mile Creek has begun.

Mr. Lindahl said a ceremony would be held tomorrow on the 10 Mile Creek Project.

Mr. English asked for further information on spoil that is coming out of the project.

79. Monitoring Update – Chip Merriam

Mr. Merriam presented information on what has been done to date on the cost share agreement. Staff members have completed three independent reviews of Environmental Monitoring Assessment; management changes; and organizational changes. The next steps are to establish District environmental monitoring steering committee. A consolidation of contracts will be done. There will be implementation of the Plato Company recommendation.

Impact of parametric and frequency reductions on permit monitoring costs were presented.

Mr. English asked on the total cost savings and Mr. Merriam provided the figures. This savings does reflect the cost of having to send out helicopters out in the field to obtain samplings. By creating categories, this will assist in eliminating duplicating monitoring efforts. Discussion between Mr. English and Mr. Merriam on the cost for monitoring in STA 3/4. A combining of all the reports to various agencies in the State is being done.

Mr. Lindahl commended Mr. Merriam and staff for moving forward on this effort regarding monitoring. Mr. Lindahl requested information on the feedback Mr. Merriam receives from the “sister” agencies. This is a huge expenditure and he is pleased with the direction staff is going.

Staff has worked very hard on this process and reduces funds needs. In the future, the research lab may need additional funding.

Mr. English asked questions on technical advancements in monitoring and Mr. Merriam provided information on phosphorus data collection. Mr. English asked if an RFP should be sent out to determine what technology is available. George Horne provided additional information on the newer technologies.

81. Update on Exotic Controls at The Refuge – Mark Musaus.

Mr. Musasus, Refuge Manager, Loxahatchee NWR, presented information on the control of exotics in the Refuge.

Information on the strategy to acquire dedicated funds to conduct exotic control and the budget for fiscal years 2001 through 2004 was provided.

Mr. English asked questions concerning the utilization of the funds control of exotics.

The presentation continued with information on the monitoring and management of infestation. Melaleuca and Lygodium were researched and information. Lygodium is invading several areas. All Australian Pines have been almost eliminated in the Refuge. Information on the Melaleuca and the partnerships with other agencies was given.

Biocontrols for Melaleuca showed the impacts/damage to Melaleuca all over the Refuge. Lygodium Control efforts have been successful and there has been very little re-growth.

Cultural practices, such as using prescribed fire, to control young infestations are ongoing. Several seminars are held each year to educate the public on invasive plants, as well as literature created.

The Fiscal Year Accomplishment during 2002 was presented.

Mr. Collins expressed his concern for the level of funding that will allow the Refuge to do the job needed on eradication of exotics. The destruction that is being done by the spread of *Lygodium* is of great concern among the Governing Board. There is support by the Department of Interior to provide funding.

Mr. English said there is 147,000 acres in the Refuge; there is 30 times that in the other areas, this is going to be one of the biggest programs at the District. This is a maintenance program that will cost a huge amount of money to implement. Mr. English would to help fund research labs to provide answers to the eradication of exotic plants.

Mr. Lindahl said funding is where the emphasis should be placed for research to help with the major problem.

Chairman Gutiérrez thanked Mr. Musuas for the presentation.

Mr. English asked how many acres are involved in the preservation area. Mr. Merriam and Mr. Lindahl provided information. Mr. Dean said that Mike Voicht can provide a specific briefing on this matter and he will ask Mr. Voicht to get with Mr. English and provide the briefing.

82. Audit and Finance Committee

The committee will convene at the end of the Regular Governing Board meeting, time permitting.

76. Update on Scripps Project. Presentation by Bevin Beaudet – Palm Beach County Board of Commissioners; and Ronald Farris – Palm Beach Gardens.

Mr. Dean introduced Bevin Beaudet to present information on the Scripps Research Laboratory to be located in Palm Beach Gardens.

Mr. Beaudet began his presentation by thanking the Board for inviting him to give this presentation. The Palm Beach County Biotechnology Research Park project was reviewed. Information on Scripps Research Laboratory, Inc. was provided. Many thousands of jobs will be created by the economic cluster created by the laboratory locating in the area. The agreement between the State of Florida and Scripps; and the agreement between Palm Beach County and Scripps was explained.

The Research & Development Park Concept covers 2000 acres; and will have integrated land uses; potential transit community; and campus atmosphere, walks able and livable.

The Mecca Farms Plan was reviewed.

The water management district has worked closely with the planning group for several months on the proposed plan. He thanked Henry Dean, Chip Merriam and other staff for working on this project and helping with the design. The District is working with them on permitting for the entire facility.

Mr. Lindahl thanked Mr. Beaudet for coming and he acknowledged that Scripps is a huge magnet and will create 1000s of job. No restoration plans in the Martin/St. Lucie and Palm Beach County will be compromised. There are official designations of having the permits fast tracked, and they will be done correctly.

Mr. McCarty expressed his appreciation of Mr. Beaudet handling this project.

Mr. Merriam acknowledged staff for their work on the modeling that allowed this project to move along.

Henry Dean said a tremendous effort has been made by people from Palm Beach County to make this a "win-win" situation due to the commitment of Palm Beach County staff and District staff. He introduced the Palm Beach Gardens City Manager, Ron Farris.

Chairman Gutiérrez said this should be used a model for "public/public partnerships".

Mr. Farris provided information on the Palm Beach Gardens involvement in the Scripps Project. He introduced the key members of the team. Natalie Wong, Senior Planner, made the presentation.

Ms. Wong, presented information on the 2,000 acre site in Palm Beach Gardens. The fifteen year projection shows over 44,290 jobs, and the City began obtaining information on research parks across the world. This will be a truly sustainable community. They have been working in partnership with Palm Beach County. She outlined what the research park will look like in the Palm Beach Gardens section and information schools, town center, recreational activities, etc. was provided.

The current processes were provided to the Governing Board. A summary of the Joint Planning Agreement and Joint Master Planning was given.

Public Comment:

Lisa Interlandi, Environmental Law Center, does not think this project is located in the right place. This location is totally lacking in infrastructure and is on environmentally sensitive lands. She asked that the Board look closely at the project before approving any permits. Environmental impacts will not allow for full support by her group.

Martha Musgrove, Audubon, and 1000 Friends of Florida, (she is a member of both organizations and does not represent either group), Miami, Florida, spoke on the water

issues. She asked that this Board to allocate water to the Loxahatchee River for the North Fork. On the Scripps Project, she appreciates the information she has received from staff and from Ms. Wong's presentation. There is flexibility in the amount of water to the Loxahatchee and the natural water capacity is crucial to the river and the estuaries. She asked for serious attention to the basic resources in the area.

Rosa Durando, representing Audubon, Lake Worth, Florida, spoke of her concern on all the things the County and City are giving to Scripps Laboratory, including roads, apartments, infrastructure, etc. She does not believe there will be a benefit to the citizens for many, many years, if ever. Water storage is important.

Patrick Hayes, Loxahatchee River Coalition, Tequesta, Florida, spoke on the DRI permit, lack of wetlands in Mecca Farms, over-draining of the land to produce crops, etc. He asked the Governing Board to take into consideration what was normally there in order to properly maintain a hydrologic system. He also urged the Board to take a look at the land development elevations.

Joanne Miner, Loxahatchee Group - Sierra Club, spoke on the development and said it could be done right and not neglect the environmental community. Cannot forget the natural environment and it will not be very people friendly if the water is not right.

Kay Gates, Loxahatchee Sierra Club, Chair. She supports the Governing Board in the constructive use of the power they have. Water reservoirs in the area were addressed. She feels this development could be a disaster without proper planning. She asked that it be done right, put a plan out, and put a District-wide hold on all development until a blueprint of the floway is completed.

104. Big Cypress Basin Update – Ms. Trudi Williams, Chair, Big Cypress Basin. Ms. Williams provided an oral report. Next meeting is scheduled for April 23, 2004.

22. ECOSYSTEM RESTORATION

COMPETITIVE CONTRACT AMENDMENT

2004-407 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to the public private partnership agreement with Aquacalma, L.P. for supplemental environmental assessment on the C-44 Reservoir and STA Phase I project in an amount not to exceed \$400,000 which is unbudgeted, and authorize budget substitutions from the Ten Mile Creek Critical Restoration Project and the Southwest Florida Feasibility Study Master Escrow Account in the total amount of \$400,000 of dedicated funds (Comprehensive Everglades Restoration Plan Fund) to the C-44 Reservoir/STA Project; providing an effective date. (Contract Number CP040125-A01).
Project Sponsor: Susan A. Ray.

Mr. English asked for further information on restoration. Mr. Merriam provided the information on restoration requirements.

Mr. English said the partnership with Aqua Finna, includes King Ranch, and he asked that

we disclose what we require and keep the communication channel open. Mr. Merriam addressed his concerns.

- > Motion made by Ms. Bagué and seconded by Mr. Collins to approve Item 22. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, McCarty, Gutiérrez, Thornton and Williams.

DISCUSSION AGENDA

Open Public Hearing

83. Authorize publication of Notice of Proposed Rulemaking in the Florida Administrative Weekly (FAW) and authorize the Executive Director or his designee to adopt proposed rule amendments to Rules 40E-1.659 and 40E-4.091, F.A.C. subject to no request being made for a public hearing within 21 days of publication of the Notice, to adopt mitigation bank financial assurance forms consistent with those previously adopted by DEP and other water management districts, to update existing forms, to delete a form that is obsolete, and to amend the "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – September 2003", to include references to forms proposed to be adopted and incorporated by reference in Rule 40E-1.659, F.A.C. (Terrie Bates)

Terrie Bates presented information on the staff recommendation to authorize publication of proposed rulemaking.

- > Motion made by Mr. Collins and seconded by Ms. Bagué to approve this item. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, McCarty, Gutiérrez, Thornton and Williams.

84. Request for Rulemaking of Water Reservations, including a Request to Authorize Publication of a Notice of Rule Development to adopt an initial reservations of water for the Northwest Fork of the Loxahatchee River, amending Chapters 40E-2, 40E-20, 40E-21 and 40E-22, F.A.C. (John Mulliken).

Mr. Mulliken presented information on the reserve portion of existing water that is for protection of fish and wildlife. This will be used as a baseline for future project reservations. Implementation of the initial reservation was explained. Staff recommendation was to go forward and initial rulemaking.

- > Motion made by Mr. Lindahl and seconded by Mr. Collins to approve this item.

Mr. Lindahl said this is the first one and it needs to be done right.

Mr. English provided comment on reservations. Reservations for other water bodies and demands and he wanted to know where this will be going in the future and the implications of the projects. Mr. Merriam said under WRDA 2000 is states what the District will accomplishing. Mr. Dean provided further information. Mr. English requested a briefing

on this matter.

- > Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, McCarty, Gutiérrez, Thornton and Williams.

Public Comment:

Patrick Hayes, this has been a long time coming, and he supports the project. Water supply plan needed more teeth on reservations. The Northwest Fork of the Loxahatchee River was the only one addressed and other areas are in need for environmental preservation/restoration. Staff has done a great job on this document.

Lisa Interlandi, support the District for the move on the Loxahatchee River, but this will be very complicated and issues will come up. Move as fast as possible, but carefully.

Cynthia Plockelman, Florida Plant Society, West Palm Beach, addressed the water reservations for the Northwest Fork of the Loxahatchee River. She approves of the matter. Reservations should be first step and get the first portion.

Thomas L. Howard, representing the Loxahatchee River Management Coordinating Council, Palm Beach Gardens, Florida, spoke on this matter and approved the proposition for the reservation at the Northfork River. His commission thanks the District.

Marge Kettel, representing herself, Jupiter, Florida, spoke on this project and does support the project.

85. As Changed.

2004-479 A Resolution of the Governing Board of the South Florida Water Management District concurring with the recommendations of the Water Resources Advisory Commission (WRAC) regarding the issues workshop on Alternative Water Supply, providing an effective date. (Michelle Pearcy)

Ms. Pearcy presented information and several recommendations on this item. Staff asked for approval from the Governing Board to concur with WRAC's recommendations.

Mr. English commented on the recommendations and Ms. Pearcy said these are very broad recommendations.

Ms. Bagué commented that outreach is an important component of this project and was assured by Ms. Pearcy that outreach is included in the plan on alternative water supply.

- > Motion made by Mr. Lindahl and seconded by Mr. Collins to approve this item.

Mr. Lindahl stated that a broad base is needed to handle this project and the WRAC members did a great job.

- > Motion passed unanimously by Governing Board Members Bagué, Collins, English, Lindahl, and Gutiérrez.

86. CONSTRUCTION AND ENGINEERING

COMPETITIVE CONTRACT - RFB

2004-467 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 480 day contract with Douglas N. Higgins, Inc., the lowest responsive and responsible bidder, for Tamiami Trail Phase I in the amount of \$5,484,000 of which \$2,494,000 in Dedicated Funds (State Appropriations) and \$2,990,000 in Dedicated Funds (Save Our Everglades Trust Fund) are budgeted; providing an effective date. (Contract Number CP040785). Project Sponsor: Armando Ramirez

Chip Merriam made the presentation.

- > Motion made by Mr. Collins and seconded by Mr. Lindahl to approve this item. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, Gutiérrez and Thornton.

87. As Changed.

CONSTRUCTION AND ENGINEERING

COMPETITIVE CONTRACT - RFB

2004-468 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 300 day contract with Murray Logan Construction, Inc., the lowest responsive and responsible bidder, for S-5A Diversion Structure G-341 in the amount of \$2,382,000, for which Dedicated Funds (Everglades Restoration Trust Fund) of \$452,924 are budgeted; and authorize a budget substitution from STA 3/4 Enhancements in the amount of \$1,929,076 from Dedicated Funds (Everglades Restoration Trust Fund) to S-5A Diversion Structure G-341; providing an effective date. (Contract Number CE040780). Project Sponsor: Jose D. Guardiaro Jr.

- > Motion made by Mr. Lindahl and seconded by Mr. Collins. Motion passed unanimously by Governing Board members Bagué, Brooks-Thomas, Collins, English, Lindahl, Gutiérrez and Thornton.

Approved 50 year O&M Capital Projects Plan

88. CONSTRUCTION AND ENGINEERING

COMPETITIVE CONTRACT – RFB

2004-469 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 240 day contract with Optimum Services, Inc., the lowest responsive and responsible bidder, for the L-8 Seepage Barrier in the amount of \$1,185,143, of which \$600,000 is unbudgeted and authorize a budget substitution from S-3 Pump Station Waterproofing in the amount of \$133,780 and S-97 Scour Repair in the amount of \$466,220 from Ad Valorem Funds to L-8 Seepage Barrier; and the remainder is subject to Governing Board approval of the FY05 budget; providing an effective date. (Contract Number CN040124). Project Sponsor: John L. Leslie III

- > Motion made by Mr. Lindahl and seconded by Mr. Collins. Motion passed unanimously by Governing Board members Bagué, Brooks-Thomas, Collins, English, Lindahl, Gutiérrez and Thornton.

89. As Changed.

CONSTRUCTION AND ENGINEERING
COMPETITIVE CONTRACT - RFB

89. As Changed.

2004-470 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a contract with Lucas Marine Construction Inc., the lowest responsive and responsible bidder, for the construction and installation of the S-5A Trash Rakes, in the amount of \$2,960,214, of which \$750,000 is unbudgeted and authorize a budget substitution from S-135 Automation & Repowering in the amount of \$261,000, S-4 Electrical Upgrades in the amount of \$239,000, and S-151 Culvert Repairs in the amount of \$250,000 from Ad Valorem funds to S-5A Trash Rakes; and the remainder is subject to Governing Board approval of the FY05 budget; providing an effective date. (Contract Number CN040412). Project Sponsor: Kimberley M. Koptak

- > Motion made by Mr. Lindahl and seconded by Mr. Collins. Motion passed unanimously by Governing Board members Bagué, Brooks-Thomas, Collins, English, Lindahl, Gutiérrez and Thornton.

90. As Changed.

CONSTRUCTION AND ENGINEERING
COMPETITIVE CONTRACT – CCNA RFP

2004-471 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into 3-year work order contracts, each with two, 1-year renewal options, with Parsons Water & Infrastructure Inc., Wolfberg/Alvarez and Partners, Inc., Arcadis G&M, Inc., EAC Consulting, Inc., A.D.A. Engineering, Inc., and T.Y. Lin International, selected for General Engineering - Civil/Structural Services New Initiatives contracts, in an amount not-to-exceed the total project funding of General Engineering Services Contracts issued in response to RFP CN040096 of \$61,000,000 subject to current budget authority and Governing Board approval of the FY05-FY09 budgets. If negotiations are unsuccessful with a firm, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Numbers CN040908, CN040909, CN040910, CN040911, CN040912, CN040913) Project Sponsor: John L. Leslie III

- > Motion made by Mr. Collins and seconded by Mr. Lindahl. Motion passed unanimously by Governing Board members Bagué, Brooks-Thomas, Collins, English, Lindahl, Gutiérrez and Thornton.

91. As Changed.

CONSTRUCTION AND ENGINEERING

COMPETITIVE CONTRACT – CCNA RFP

2004-472 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into 3-year work order contracts, each with two, 1-year renewal options, with Hillers Electrical Engineering, Inc., Malcolm Pirnie, Inc., and Tricon International, Inc., selected for General Engineering - Electrical/Mechanical services New Initiatives contracts, in an amount not-to-exceed the total project funding of General Engineering Services Contracts issued in response to RFP CN040096 of \$61,000,000 subject to current budget authority and Governing Board approval of the FY05-FY09 budgets. If negotiations are unsuccessful with a firm, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Numbers CN040914, CN040915, CN040916). Project Sponsor: John L. Leslie III

- > Motion made by Mr. Lindahl and seconded by Mr. Collins. Motion passed unanimously by Governing Board members Bagué, Brooks-Thomas, Collins, English, Lindahl, Gutiérrez and Thornton.

92. As Changed.

CONSTRUCTION AND ENGINEERING

COMPETITIVE CONTRACT – CCNA RFP.

2004-473 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into 3-year work order contracts, each with two, 1-year renewal options, with Earth Tech Consulting, Inc., Parsons Water & Infrastructure Inc., SDI Environmental Services, Inc., Applied Technology and Management, Inc., Marco Water Engineering, and Taylor Engineering, Inc., selected for General Engineering - Modeling Services New Initiatives contracts, in an amount not-to-exceed the total project funding of General Engineering Services Contracts issued in response to RFP CN040096 of \$61,000,000 subject to current budget authority and Governing Board approval of the FY05-FY09 budgets. If negotiations are unsuccessful with a firm, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Numbers CN040920, CN040921, CN040922, CN040923, CN040924, CN040925). Project Sponsor: John L. Leslie III

- > Motion made by Mr. Lindahl and seconded by Mr. Collins. Motion passed unanimously by Governing Board members Bagué, Brooks-Thomas, Collins, English, Lindahl, Gutiérrez and Thornton.

93. CONSTRUCTION AND ENGINEERING

INTERAGENCY AMENDMENT

2004-474 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-13969 with the Florida Department of Community Affairs, for the Miami-Dade Flood Mitigation Program - C-4 Emergency Detention Basin, in the amount of \$2,316,604 as reimbursement to the District; and delegate authority to the Executive Director to approve any subsequent amendments to said contract; providing an effective date. (Contract Number C-13969-A02) Project Sponsor: John L. Leslie III.

- > Motion made by Mr. Collins and seconded by Mr. Lindahl. Motion passed unanimously by Governing Board members Bagué, Brooks-Thomas, Collins, English, Lindahl, Gutiérrez and Thornton.

94. A Discussion of the Well Construction Permitting Program including:

Discussion of an interagency agreement between Florida Department of Environmental Protection ("FDEP"), Florida Department of Health, and the District concerning permitting and water quality analysis of new potable water wells in areas of known groundwater contamination.

Authorize Publication of a Notice of Rule Development in the Florida Administrative Weekly to amend Chapters 40E-1 and 40E-3, Florida Administrative Code, concerning the well construction permitting program, the list of delegated authorities, and incorporate a delegation of authority from the Florida Department of Environmental Protection concerning well construction permitting in areas of known groundwater contamination.

Beth Ross, Sr. Spec Attorney, Office of Counsel, SFWMD, presented information on this item.

- > Motion made by Mr. English and seconded by Ms. Bagué to approve this item. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, Gutiérrez and Thornton.

95. Issuance of new Consumptive Use Permits using surface water from the C-23, C-24 and C-25 canals (Scott Burns)

Mr. Burns, Division Director, Water Use, SFWMD, presented information on this item.

- > Motion made by Mr. Lindahl and seconded by Mr. English. Motion passed unanimously by Governing Board members Bagué, Brooks-Thomas, Collins, English, Lindahl, Gutiérrez and Thornton.

CERP Coordination

96. Approve Environmental Resource Permit Modification Application 040113-10 for construction and operation of a surface water management system serving a 44.36 acre residential project Lots 32 and 33 – within a previously approved residential subdivision known as Trailside Subdivision (Martin County). (Don Medellin and David Unsell).

- > Motion made by Mr. Lindahl and seconded by Mr. Collins. Motion passed unanimously by Governing Board members Bagué, Brooks-Thomas, Collins, English, Lindahl, Gutiérrez and Thornton.

Public Comment:

Patrick Hayes, representing the Loxahatchee River Coalition, spoke on environmental resource permits.

Land Resources

100. LAND ACQUISITION SPECIAL PROCUREMENT

2004-475 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 5 year contract with O.R. Colan Associates, Inc., for real estate services in an amount not to exceed \$1,300,000 for which Dedicated Funds (P2000/Florida Forever Trust Funds) in the amount of \$500,000 are budgeted, and the remainder is subject to Governing Board approval of the FY05-FY08 budgets; providing an effective date. (Contract Number OT040701) Project Sponsor: Ruth P Clements.

OPEN PUBLIC HEARING

101. 2004-476 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 1,288.70 acres, more or less, in the amount of \$20,339,932 and associated costs not to exceed \$594,523; for the East Coast Buffer Project in Miami-Dade County; providing an effective date. (P. Schneider)

CLOSE PUBLIC HEARING

Government of Public Affairs

102. 2004-477 A Resolution Of The Governing Board Of The South Florida Water Management District supporting the Florida Cabinet Resolution declaring April as Water Conservation Month In Florida; providing an effective date. (Jo Ann Hyres and Jane Bucca).

- > Motion made by Ms. Bagué and seconded by Mr. Collins. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, McCarty, Gutiérrez, Thornton and Williams.

102A Water For People, by Frank Hayden, Director, Procurement Department.

Mr. Hayden presented information on *National Drink Water Week* and asked for the Board's support to ask staff for donations during this week. This will help many unfortunate people who do not have safe and adequate drinking water. The District Leadership Plan endorsed this and supports the efforts.

- > Motion made by Ms. Bagué and seconded by Mr. Collins. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, McCarty, Gutiérrez, Thornton and Williams.

103. Public Comment:

Rosa Durando, representing the Audubon Society of Lake Worth, spoke on STA 1-E and the Village of Wellington meeting held last night on approval of permitting in Palm Beach Aggregates. There has been no public hearing by SFWMD or any other agency on this matter. The Notice said the date of the hearing was going to be April 27, 2004. She questioned the legality of this noticing and discussion on Palm Beach Aggregates.

Mr. Dean provided information for the Governing Board regarding Ms. Durando's comments.

Jamie Furgang, representing Audubon of Florida, Miami Beach, spoke on land acquisition. Ms. Furgang distributed a packet of information to the Governing Board and highlighted some of the information in the packet. Topics were land acquisition, effect of developments on CERP projects, multi-million dollar restoration project and destruction of wetlands, etc.

Committees and Commissions of the Board105. Water Resource Advisory Commission Update – Mr. Michael Collins, Chair, Water Resource Advisory Commission.

Mr. Collins stated he misspoke earlier in the day and not everyone on the WRAC was in support of the Upper East Coast Regional Water Supply Plan to move forward to the Board. At the meeting he asked if the attendees all approved the Plan and no one spoke up; but he has learned just now that a few stakeholders are not in agreement with the current Draft Plan and the approval was not unanimous.

He reported on the past month's activities by WRAC in both the regular monthly meeting and issues workshops. He reported on a Survey of the WRAC members that was conducted by staff. Mr. Collins will occasionally ask Governing Board members to chair the monthly WRAC meetings. The Policies and Procedures are working very well and will not be codified any further.

Several WRAC issues workshops have been held since the last Governing Board meeting.

106. Audit and Finance Committee Report – Mr. Lennart Lindahl, Chair, Audit Committee.

Due to time constraints the Audit and Finance Committee Meeting was postponed.

Chair Lindahl announced that two main items needed to be discussed with the Governing Board before the next Audit Committee meeting.

Mr. Lindahl said that John Williams, Ombudsman, SFWMD, has been serving as interim Auditor General, as well as the Ombudsman since Allen Vann resigned. Mr. Williams is very experienced and highly qualified for the position of Auditor General. He asked the board to approve the nomination of John Williams to be the SFWMD Auditor General.

- > Motion by Mr. Lindahl and seconded by Mr. Collins. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, McCarty, Gutiérrez, Thornton and Williams.

The Ombudsman's position becomes vacant upon Mr. Williams accepting the position of Auditor General. Mr. Lindahl recommended that Henry Dean, as Executive Director of SFWMD, recruit, appoint and supervise the Ombudsman.

- > Motion by Mr. Lindahl and seconded by Mr. Collins. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, McCarty, Gutiérrez, Thornton and Williams.

115. Add On Item:

2004-478 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with Spectrum Municipal Services, Inc., for financial advisory services and authorize a waiver of competition, in an amount not to exceed \$50,000 of which \$10,000 is budgeted and the remainder is subject to Governing Board approval of the FY-5-FY06 budget; providing an effective date.

Paul Dumars, Director, Finance Department, provided information that this would be a waiver of competition to access a financial adviser for public/private partnership. The process in the future will be somewhat similar to a Request for Information (RFI). This would be a pool of services that could be accessed by staff on an "as needed" basis.

Discussion held on the need for professional services in advising the Audit and Finance Committee. Recommendation made by Mr. Lindahl to seek the services of Financial Consultants through the Request for Information (RFI) process. Mr. Dumars asked the Governing Board for a waiver in acquiring professional financial services with Spectrum Municipal Services, Inc.

Sheryl Wood, General Counsel, provided legal counsel.

Ms Bagué asked for the assurance that this is only for this one project and she was assured that it was.

- > Motion made by Mr. Lindahl and seconded by Mr. Collins. Motion passed unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Lindahl, McCarty, Gutiérrez, Thornton and Williams.

Due to a lack of quorum, the decision was made that the Audit and Finance Committee meet in a Special Session and the meeting will be scheduled as soon as allowable. The meeting may be held via teleconference or scheduled in the near future at the District Headquarters.

Announcement:

Item 23 - Garrett Wallace. Director, Office of Board and Executive Services, announced that

Agenda Item 23 contained a typographical error in the Resolution title. This was approved in the Consent Agenda and needs to be re-voted on by Governing Board members to approve the corrected Resolution. Correction: The Motion to reconsider site certification permit for Florida Power and Light's request to draw 17.9 MGD from the Floridan Aquifer - not 28.8 MGD as it said in the agenda.

- > Motion made by Ms. Bagué and seconded by Mr. English. Motion approved unanimously by Governing Board Members Bagué, Brooks-Thomas, Collins, English, Gutiérrez and Lindahl.

Announcement:

Chairman Gutiérrez announced that Harkley Thornton has asked to leave the position of Chairman of the Human Resources Committee. Ms. Bagué has been appointed as chairman of the Committee.

Ms. Bagué provided a Proclamation thanking to Mr. Thornton for his work on the Human Resources Committee.

107. Land Resources and Regulatory Committee Report- Kevin McCarty, Chair. No report.

Staff Reports – None Given

108. Water Conditions Report – Mr. Bob Howard P.E.

109. Office of Policy and Legislation Update – Ms. Kathy Copeland.

110. Ombudsman's Report – Mr. John Williams.

111. Calendar Update – Mr. Garrett Wallace.

112. General Counsel Report – Ms. Sheryl Wood.

113. Executive Director's Report – Mr. Henry Dean

Adjournment at 4:45 p.m.

Nicolas J. Gutiérrez
Chairman, Governing Board

Recorded By:

Paula Moree
District Deputy Clerk